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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Edouard Francois

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05/01/2009

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EXAMINER

TORRENTE, RICHARD T

ART UNIT

PAPER NUMBER

2621

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,521	<b>Applicant(s)</b> FRANCOIS ET AL.	
	<b>Examiner</b> RICHARD TORRENTE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Allmen et al. (US 6,738,424).

Regarding claim 1, Allmen discloses a process for compression of digital data of a video sequence comprising alternating video shots (see abstract), comprising the following steps: - segmentation of the sequence into video shots (see 310 in fig. 4a), - classification of these shots by comparison of the contents of shots (see 314 in fig. 4a), in order to obtain classes (see 316 in fig. 4a), a class corresponding to shots with similar contents (see 316 in fig. 4a, wherein a static camera images with zero motion indicates the background areas have similar content), - construction of a sprite or video object plane for a class that is a composite image corresponding to a background of the shots allocated to this class (see 318 in fig. 4a), - concatenation of at least two sprites onto one sprite or video object plane, in order to form an image called large sprite (see 320 in fig. 4a, wherein the large sprite is the updated concatenated background from

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matching), - extraction, for the shots corresponding to the large sprite, of foreground objects from images of these shots (see 316 and 324 in fig. 4a), - encoding respectively (see 322 and 328 in fig. 4a) the large sprite and the extracted foreground objects.

Regarding claim 2, Allmen further discloses wherein the sprites are placed one under the other in order to construct the large sprite (see 318 in fig. 4a).

Regarding claim 3, Allmen further discloses wherein positioning of the sprites for the concatenation is calculated as a function of the cost of encoding of the large sprite (see 3181 in fig. 4b, where background in the re-projected frame are added to reduce encoding cost).

Regarding claim 4, Allmen further discloses wherein the large sprite is a sprite defined by and encoded according to an MPEG4 standard (see fig. 5).

Regarding claim 5, Allmen further discloses wherein a multiplexing operation is carried out for the data of the extracted foreground objects and for the data of the large sprite in order to deliver a data stream (see multiplexed 322 and 328 to "circle" in fig. 4a).

Regarding claim 7, the claim(s) recite analogous limitations to claim 1, and is/are therefore rejected on the same premise.

### ***Response to Arguments***

3. Applicant's arguments filed 4/6/09 have been fully considered but they are not persuasive.

Applicant argued on page 6 that Allmen fails to disclose "classification of shots by comparison of the contents of shots in order to obtain classes, a class corresponding to similar contents". The Examiner respectfully disagrees, Allmen clearly shows that the classified background class is based on a class corresponding to similar contents because the background images will have similar content because the camera is static.

Applicant argued on page 6 that Allmen fails to disclose "construction of a sprite or video object plane for a class that is a composite image corresponding to a background of the shots allocated to this class". The Examiner respectfully disagrees, Allmen 318 in fig. 4a clearly shows this limitations are met wherein pixels of a background is merged to construct a sprite for a class that is a composite image.

Applicant argued on page 6 that Allmen fails to disclose "concatenation of at least two sprites onto one sprite or video object plane, in order to form an image called large sprite". The argument is moot in view of new ground of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD TORRENTE whose telephone number is (571) 270-3702. The examiner can normally be reached on M-F: 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard Torrente/  
Examiner, Art Unit 2621

/Young Lee/  
Primary Examiner, Art Unit 2621

RT